

REMARKS

In the above referenced office action, claims 1-7 were rejected under 35 USC 103(a). Applicant respectfully traverses. For example, Duggan is relied upon as the primary reference (and sole reference with respect to claim 1), yet fails to teach receiving data as claimed, from an IMD and then frequency modulating that data in the manner claimed and then transmitting that data. Rather, Duggan modulates data within an IMD and an external receiver converts that data to an audible signal that is played through a telephone system. Thus, for these and other reasons, Applicant asserts the rejection is improper and should be withdrawn.

As the present action is final, Applicant has amended claim 1 to include the elements of claim 8, which was indicated allowable by the Examiner. As such, all pending claims are in a condition indicated allowable by the Examiner and notice of the same is requested.

Applicant explicitly reserves the right to re-present the original, unamended claims as well as any unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer.

Applicant respectfully asserts that this application is in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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